

EXHIBIT A

**Copy of Cease and Desist Letter
Sent on behalf of Traxxas to Sunny Days**



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December 4, 2017

**Via Federal Express
Overnight Delivery**

Mr. Jim Ruggiero
Sunny Days Entertainment LLC
4053 Lambert Trail
Birmingham, AL 35242

Mr. Melvin Wells
Sunny Days Entertainment LLC
208 Chancellors Park Court
Simpsonville, SC 29681

Re: Infringement of Traxxas, L.P. Trademarks
U.S. Trademark Registration No. 3,191,106 "MAXX"
U.S. Trademark Registration No. 3,619,270 "E-MAXX"
U.S. Trademark Registration No. 3,697,101 "MINI MAXX"
U.S. Trademark Registration No. 3,169,710 "T-MAXX"
U.S. Trademark Registration No. 5,110,758 "X-MAXX"
U.S. Trademark Registration No. 5,110,764 "XMAXX"

Dear Mr. Ruggiero:

We represent Traxxas, L.P. ("Traxxas") in connection with intellectual property matters.

Traxxas owns the trademarks "MAXX," "E-MAXX," "MINI MAXX," "T-MAXX," "X-MAXX," and "XMAXX" (collectively, the "MAXX Mark Family"), which Traxxas uses to identify, advertise, and promote its radio-controlled model vehicles, as well as related goods. U.S. Trademark Registrations for each of the above-referenced marks were issued as follows, copies of which are attached for your convenience:

- "MAXX" – Registration No. 3,191,106 issued on January 2, 2007
- "E-MAXX" – Registration No. 3,619,270 issued on May 12, 2009
- "MINI MAXX" – Registration No. 3,697,101 issued on October 13, 2009
- "T-MAXX" – Registration No. 3,169,710 issued on November 7, 2006
- "X-MAXX" – Registration No. 5,110,758 issued on December 27, 2016
- "XMAXX" – Registration No. 5,110,764 issued on December 27, 2016



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Incontestability status has been conferred on the "MAXX," "E-MAXX," "MINI MAXX," and "T-MAXX" marks and registrations.

Traxxas has used the "MAXX" mark in commerce since at least December 1999; the "E-MAXX" mark in commerce since at least December 4, 2000; the "MINI MAXX" mark in commerce since at least July 17 2009; the "T-MAXX" mark in commerce since at least November 28, 1999; the "X-MAXX" mark in commerce since at least November 20, 2015; and the "XMAXX" mark in commerce since at least November 20, 2015 to identify, advertise, and promote its highly popular and well-known radio-controlled model vehicles, and related goods. Traxxas has expended considerable effort and funds to promote the recognition, reputation, and goodwill of and under the "MAXX," "E-MAXX," "MINI MAXX," "T-MAXX," "X-MAXX," and "XMAXX" marks. As a result, Traxxas has developed highly valuable goodwill, a favorable reputation, and strong customer acceptance for its radio-controlled model vehicles and related goods, under and in connection with its MAXX Mark Family.

It has come to the attention of Traxxas that Sunny Days Entertainment LLC is violating trademark rights of Traxxas by using the mark MAXX ACTION in connection with its offering of role play toys in the nature of playsets for children to imitate real life occupations; toys, namely, toy bows and arrows, toy guns, toy trucks, toy vehicles. An image of a product bearing the infringing MAXX ACTION mark submitted as a specimen in U.S. Trademark Application Serial No. 87/598,578 by Sunny Days Entertainment LLC is attached for your reference.

The use of MAXX ACTION by Sunny Days Entertainment LLC creates a likelihood of confusion that there exists a common source, affiliation, and sponsorship between your goods and those of Traxxas. The use of MAXX ACTION therefore, infringes upon the trademark rights of Traxxas and misappropriates the goodwill associated with the model vehicle and related goods of Traxxas. Further, resulting consumer confusion caused by the use of MAXX ACTION will unfairly give the goods of Sunny Days Entertainment LLC a ready acceptance in the marketplace that is undeserved.



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Traxxas will consider any continued use of MAXX ACTION to be willful infringement of its rights, entitling Traxxas to an injunction against such infringement, seizure and destruction of infringing materials, recovery of damages, and, due to the willful nature of the infringement, recovery of any profits associated with the infringement, recovery of attorneys' fees and costs, as well as an award of increased damages and profits up to three-fold, pursuant to Title 15 of the United States Code and Texas common law.

We therefore demand written assurances be provided within fifteen (15) days from the date of this letter that Sunny Days Entertainment LLC will immediately cease and desist from any and all use and intended use of the MAXX ACTION mark in connection with role play toys in the nature of playsets for children to imitate real life occupation; toys, namely, toy bows and arrows, toy guns, toy trucks, toy vehicles and related goods. We also demand Sunny Days Entertainment LLC immediately expressly abandon in its entirety U.S. Trademark Application No. 87/598,578 for the MAXX ACTION mark. If such assurances are not timely received, we will assume no response will be forthcoming and will take appropriate action to protect the intellectual property rights of Traxxas. Note that Traxxas intends to file a Notice of Opposition against U.S. Trademark Application No. 87/598,578 for the MAXX ACTION mark if and when the application is published by the USPTO.

The above is not an exhaustive statement of all the relevant facts and law. Traxxas expressly reserves all of its legal and equitable rights and remedies, including the right to seek injunctive relief and recover monetary damages.

Should you have any questions regarding this matter, please feel free to contact me at your earliest convenience. Your prompt attention and cooperation in this matter is required and will be greatly appreciated.

Very truly yours,

CARR Law Firm PLLC



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A handwritten signature in black ink, appearing to read 'Gregory W. Carr'.

Gregory W. Carr

GWC/DCH
Enclosure

cc: Jim Ruggiero - {jimruggiero@sunnydaysent.com}
Amazon.com, Inc. – David Zapolsky, General Counsel
Target Corporation – Don Liu, Executive VP and Chief Legal and Risk Officer and
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Kohl's Department Stores – Richard Schepp, Chief Administrative Officer and
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